

DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by entering the attached papers, each paper being identified "Replacement Sheet" or "New Sheet".

REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by applicant and undersigned attorney. Reconsideration is respectfully requested.

1. Summary of the Office Action.

The drawings were objected to.

The disclosure was objected to.

Claims 1-4 were pending.

Claims 1-4 stand rejected under 35 U.S.C §102(b) over Whitley (1,428,731).

2. Discussion.

Drawing Objections

Responsive to the drawing objection(s), enclosed are amended drawings identified by "Replacement Sheet" or "New Sheet".

Disclosure Objections

The disclosure has been amended in view of the objection. Withdrawal of the objection is believed to be in order.

Claim 1. This claim was rejected under 35 USC §102(b) as being anticipated by Whitley. The claim is amended to patentably distinguish and limit over Whitley by defining the invention to require that the weights be in the form of sheet structures. This new combination of structure and function is not shown, suggested or made obvious by the applied art.

Whitley is directed to a device solely for protection of legs of football players. The Whitley device must be of light weight as it is aimed to be used in a game. In contrast, the trousers according to the present invention are for use as a training aid having an effective amount of training weight and also being flexible by way of the weight sheets. The present invention must be of high weight to make training more burdensome to make training more effective. In the present invention, the weight is disposed from around the waist of the user to the thighs versus being solely around the leg portion in Whitley. These differences are patentably significant because the amended elements relate to advantages and benefits described in the specification that the invention has in terms of athletic training. It is submitted that this amendment clearly indicates a narrower interpretation than that of the original claim, which interpretation patentably avoids the applied art. Withdrawal of the rejection is requested.

Claim 3. This dependent claim stands rejected under 35 USC 102(b) over Whitley. In the present invention there are cuts in the weight plates to make the material more flexible. The trousers of the present invention conform tightly around the user, which will make the use comfortable.. This structure and function is not shown or suggested in Whitley. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim above.

Claim 5. This new claim is directed to a training trouser having all of the limitations of currently amended claims 1 and 3. It is believed to be patentable for the combination reasons set forth above with respect to claims 1 and 3.

Remaining Claims. The remaining dependent claims each adds at least one limitation to the elements of its base claim 1, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

3. Conclusion.

The pending claims are believed to be patentable for the reasons stated above. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, she is invited to call at the number below.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

ANY FEES DUE ARE CALCULATED AS FOLLOWS:		<u>NUMBER</u>	<u>FEE</u>
TOTAL Claims Remaining over that Previously Paid:	None		\$0
INDEPENDENT Claims Remaining over that Previously Paid:	None		\$0
	SUM Claim Fees:		\$0
EXTENSION Fees:			\$525
OTHER Fees:			\$0
	<u>TOTAL AMOUNT (if any)</u>		\$525
<input type="checkbox"/> Paid by enclosed check.			
<input type="checkbox"/> Paid by enclosed Credit Card Payment Form(s) PTO-2038.			

Respectfully submitted,



Joel D. Skinner, Jr.
Reg. No. 33,786

Date: 10-2-08

Skinner and Associates
212 Commercial Street
Hudson, Wisconsin 54016
Tel.: (715) 386-5800
FAX: (715) 386-6177
Internet e-mail: info@skinnerlaw.com